

Entered - 02/06/04 - sb CL - 04L0077 LISA CARTER

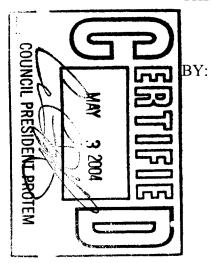
CLAIM OF: CENTRAL MUTUAL INSURANCE

COMPANY, through its attorney Ronald W. Parnell, P.C. P.O. Box 81085 Conyers, Georgia 30013

04-R-0682

For damages alleged to have been sustained as a result of a fire on August 1, 2003 at 1845 Cheshire Bridge Road.

THIS ADVERSED REPORT IS APPROVED



JERRY L. DELWACH

DEPUTY CITY ATTORNEY

ADVERSE REPORT

PUBLIC SAFTEY &

LEGAL ADMINISTRATION COMMITTEE

ADVERSED MAY 0 3 2004



RHONDA DAUPHIN JOHNSON, CMC MUNICIPAL CLERK

May 13, 2004

55 TRINITY AVENUE, S.W. SECOND FLOOR, EAST SUITE 2700 ATLANTA, GEORGIA 30303 (404) 330-6033 FAX (404) 658-6273

Ronald W. Parnell Attorney at Law P.O. Box 81085 Conyers, GA 30013

04-R-0682

RE: Central Mutual Insurance Company

Dear Attorney Parnell:

I sincerely regret that your client has been adversely affected by the circumstances raised in his/her claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your client's claim at its regular meeting on December 01, 2004. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the City Attorney's Office/Claims Division at (404) 330-6400.

Yours very truly,

horda Lauphin Johnson, CMC

Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. <u>04L0077</u>	Date: <u>April 13, 2004</u>			
Claimant /Victim CENTRAL MUTUAL INSURANCE C				
BY: (Atty) (Ins. Co.) Ronald W. Parnell, P.C.				
Address: P. O. Box 81085 Convers, Georgia 30013		ъ 1:1 т : ф		
Subrogation: Claim for Property damage \$ 37	,459.00	Bodily Injury \$		
Date of Notice: 02/06/04 Method: Written,	proper X	Im _j	proper	
Conforms to Notice: O.C.G.A. §36-33-5 X	An	te Litem (6 Mo.)	X	
Date of Occurrence 08/01/03 Place:	1845 Cheshi	re Bridge Road		
Department Fire Services Bureau: Employee involved	Dissistisses	Division:		
Employee involved	Disciplinary A	ction:		
NATURE OF CLAIM. The element elleges that it must it		14 - C - C4 10.4	COLI: D:I D I	
NATURE OF CLAIM: The claimant alleges that it sustain				
However, the claimant has elected to file a lawsuit to resolve	the issues raised	in the claim.		
INVESTIGATION:				
INVESTIGATION:				
Statementa: City amployee Claimant	Othera	Weitton	Omol	
Statements: City employee Claimant	Ouleis	t Doport	Other V	
	lice Dept Report Other X			
Craffic citations issued: City Driver Claimant Driver Citation disposition: City Driver Claimant Driver				
Chanon disposition. City Driver	Ciamiant Div	CI		
BASIS OF RECOMMENDATION:				
DASIS OF RECOMMENDATION.				
Function: Governmental X	Ministerial			
Improper Notice More than Six Months	Other	Y Damages reas	onable	
City not involved Offer rejected	Other	Compromise settlemen	onable	
Renair/renlacement by Ins. Co.	Renair/replacement by City Forces			
Repair/replacement by Ins. Co City Negligent	Repair/replace	Claim Abando	mad	
City regingent		Claim Abande	med	
	Respectfully submitted,			
Respectionly submitted,				
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		1 WTG		
INVESTIGATOR - LISA CARTER				
	III V EB II G	MIOR BIOM CARTE	IX.	
RECOMMENDATION:				
Pay \$ Adverse X // Ac	count charged:	1A012J01	2H01	
Claims Manager:		date 04/15/09		
Committee Action:	Council Actio	n		
FORM 23-61				

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RONALD W. PARNELL, P.C. LAW OFFICES FOR SUBROGATION AND COLLECTION RECOVERIES

Post Office Box 81085 Convers, GA 30013

Telecopier: (770) 922-2324 Telephone: (770) 929-8585

ENTERED - 2-6-04-SB04L0077 - LISA CARTER

OUR FILE #316-0303

January 20, 2004

Honorable Shirley Franklin Mayor of the City of Atlanta 55 Trinity Avenue SW Suit 2400 Atlanta, GA 30303

Carrer

Delivered by Certified Mail #7099 3400 0011 4468 4033

O.C.G.A. 36-33-5 ANTE LITEM NOTICE OF DAMAGE TO PROPERTY

Dear Mayor Franklin:

This office represents Central Mutual Insurance Company a member of the Central Insurance Companies. Central Mutual Insurance Company is the insurance company for Cache Antiques, Inc.. This letter serves as Central Mutual Insurance Company's Ante Litem Notice of Damage to Property.

- 1. Date of Loss: on or about August 1, 2003.
- 2. Loss Location: 1845 Cheshire Bridge Road, Atlanta, GA. Cache Antiques, Inc., owner.
- 3. Extent of Damage: major fire causing \$37,459.00 in damages (Property Damage and Business Interruption)
- 4. Negligence of City of Atlanta: Fire hydrant not working near building due to negligent maintenance.

Pursuant to O.C.G.A. 36-33-5, the City of Atlanta has thirty (30) days to act upon this claim. In the event that a settlement cannot be reached, it is Central Mutual Insurance Company's intention to file suit against the City of Atlanta for the above described loss.

nald W. Parnell

Attorney for Plaintiff (sha)

04-R -0682